

## **EXHIBIT 9**

*Excerpts of January 6, 2023, Deposition of  
Commissioner Joseph Giusti*

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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

HONORABLE TERRY PETTEWAY, \*

et al., \*

Plaintiffs, \*

VS. \*

Case No. 3:22-cv-00057

GALVESTON COUNTY, et al., \*

Defendants. \*

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ORAL AND VIDEOTAPED DEPOSITION OF  
JOSEPH GIUSTI  
JANUARY 6, 2023  
(Reported Remotely)

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ORAL AND VIDEOTAPED DEPOSITION OF JOSEPH  
GIUSTI, produced as a witness at the instance of the  
United States and duly sworn, was taken via  
videoconference in the above-styled and numbered cause  
on the 6th day of January, 2023, from 9:23 a.m. to  
6:01 p.m., before Marsha Yarberry, Certified Shorthand  
Reporter in and for the State of Texas, reported by  
machine shorthand, in Galveston, Texas, pursuant to the  
Federal Rules of Civil Procedure.

1 Q. (By Mr. Gear) So did you receive any written  
2 materials related to criteria during the September  
3 meeting?

4 MS. OLALDE: Objection to any  
5 attorney-client privileged communications or  
6 attorney-client -- attorney work product that may have  
7 been addressed or discussed during this meeting.

8 If you're looking only at facts, you may  
9 answer only to the extent you have particular facts to  
10 share but not communications.

11 Q. (By Mr. Gear) So the question is did you  
12 receive any materials.

13 A. I -- probably. I don't recall what.

14 Q. Do you recall what was discussed related to  
15 redistricting criteria?

16 MS. OLALDE: Objection, same instruction  
17 to the witness not to reveal any attorney-client  
18 privileged communications or work product.

19 MR. GEAR: And, again, we reserve the --  
20 our argument that attorney-client privilege is not --  
21 does not apply to Dale Oldham.

22 Q. (By Mr. Gear) So following the September  
23 meeting with yourself, Mr. Ready, and Mr. Oldham, did  
24 you have any discussions with commissioners related to  
25 redistricting criteria?

1 A. I don't recall, sir.

2 Q. Based on your understanding, was there a  
3 decision made to establish redistricting criteria?

4 A. I don't recall that either.

5 Q. So, again, was there redistricting criteria  
6 that was established, adopted, during the 2021  
7 redistricting process?

8 MS. OLALDE: Objection; asked and  
9 answered.

10 THE WITNESS: I don't recall.

11 Q. (By Mr. Gear) Is there any redistricting  
12 criteria that you would have considered important  
13 during the 2021 redistricting process?

14 A. Yes, sir. I think the important things would  
15 have been leveling out the populations, also trying to  
16 draw lines that the public understood as far as knowing  
17 who their commissioners are. The old lines were kind  
18 of confusing at times as to where precincts started and  
19 where they ended.

20 Q. Anything else?

21 A. That's the majority. That's it.

22 Q. And so you mentioned Mr. Oldham, the  
23 redistricting consultant. Did the county's post-2020  
24 census redistricting processes begin at the April 5th,  
25 2021, commissioners court?

1 MS. OLALDE: Objection; speculation.

2 You can answer. You can answer.

3 MR. GEAR: Well, let me rephrase that.

4 MS. OLALDE: Sure.

5 Q. (By Mr. Gear) When did the 2021 redistricting  
6 process begin for the commissioners court?

7 A. It would have been about the time frame you  
8 mentioned. The exact -- sounds about right.

9 Q. And so what was the name of the redistricting  
10 firm that you and the commissioners ultimately decided?

11 A. I don't recall the name of the firm. I just  
12 remember Mr. Oldham.

13 Q. And what was your understanding of the  
14 services that Mr. Oldham would provide to the county  
15 commissioners?

16 A. That he would take the census that we were  
17 getting in, and he would take that -- the numbers from  
18 that and basically lay it out and give us a couple of  
19 options to choose from on what he determined was the  
20 best and legal maps that he could come up with.

21 Q. And other than Mr. Oldham, was there any other  
22 consultant that you personally dealt with during the  
23 2021 redistricting process?

24 A. He had a -- he had a demographer, I guess,  
25 that did the map -- the actual map drawing, but I never

1 really dealt with him.

2 Q. Did you meet with that demographer at all in  
3 any capacity?

4 A. Not that I recall, other than on the Zoom  
5 meeting, I believe.

6 Q. Is that the same September Zoom meeting that  
7 you referred to?

8 A. No. That would have been later.

9 Q. Do you recall the time period in which he was  
10 involved?

11 A. October I want to say.

12 Q. I'm sorry. Did you say you don't recall his  
13 name?

14 A. I do not.

15 Q. Did that demographer provide you with any  
16 written information or maps of any kind?

17 A. We did look at a couple of maps on Zoom.

18 MS. OLALDE: And, again, I'm going to ask  
19 that the witness not reveal any attorney-client  
20 privileged communications or work product and instruct  
21 him not to answer to that extent.

22 MR. GEAR: And, again, we reserve our  
23 rights that to -- against the claim that  
24 attorney-client privilege applies to Dale Oldham.

25 Q. (By Mr. Gear) So did you have an opportunity

1 A. There again, I'm not -- don't know. I didn't  
2 really see any support for Map 1 or Map 2.

3 Q. Based on your personal knowledge, what was  
4 your understanding of black community support for  
5 Map 2?

6 A. Not -- didn't support it, didn't want change.

7 Q. Based on your personal knowledge, what was  
8 your understanding of Hispanic community support for  
9 Map 2?

10 A. Same.

11 Q. They didn't support it, didn't want change?

12 A. From -- from what little Hispanic response I  
13 got. It didn't seem like as many Hispanics responding  
14 as African-Americans.

15 Q. And so when you indicated that you received  
16 email responses, was that in relation to the posting of  
17 Map 1 and 2 to the county website, or did you receive  
18 them on some other personal or work emails?

19 A. No. It was on county website.

20 Q. Do you know generally how many comments you  
21 received in total?

22 A. I want to say in the neighborhood of 40.

23 Q. So based on those 40 responses that you are  
24 aware of, how many of those actually supported Map 1?

25 A. I don't recall.

1 Q. Based on your awareness of the 40 emails that  
2 were received, how many of those actually supported  
3 Map 2?

4 A. I don't recall.

5 Q. Did you have any communications with any of  
6 the other commissioners related to the comments that  
7 were received on the county website?

8 A. No, sir.

9 Q. Did anyone from the public submit proposed  
10 plans to the commissioners court during the 2021  
11 redistricting process?

12 A. I don't recall.

13 Q. Who would that have been submitted to if -- if  
14 that were to occur?

15 A. It could have been submitted to any one of us  
16 just sent in with an email.

17 Q. Would it have been the procedure if a  
18 commissioner received -- well, strike that.

19 So if a community member submits a  
20 redistricting plan, what is the procedure if it goes to  
21 an individual commissioner?

22 A. There is really no written procedure, but I  
23 think what would normally happen is that would be  
24 distributed to the judge's office.

25 Q. And would the judge then be responsible to



1 distribute it to the rest of the commissioners?

2 A. I would assume.

3 Q. And based on your -- go ahead.

4 A. But at some point, you know, the question  
5 would come in are we discussing this and now do we have  
6 more than three people involved in the discussion where  
7 we're violating the law.

8 Q. And you're talking about the quorum?

9 A. Yes, sir. As it not being in an open meeting.

10 Q. So was there an effort to avoid creating a  
11 quorum during -- at any time during the 2021  
12 redistricting process?

13 A. No, sir.

14 Q. So when you talk about the law related to  
15 quorums, during the process, for example, I believe the  
16 October 2021 meeting where you met with Dale Oldham and  
17 you were present and Tyler Drummond and Jed Webb was  
18 also present, was that set up in a manner to avoid  
19 violating the -- the law that applies to quorums?

20 MS. OLALDE: Objection; form.

21 THE WITNESS: Yes, I would assume it is.  
22 That's the reason that on lots of different occasions  
23 we'll only have two commissioners together for  
24 different things. So if we're hiring -- for instance,  
25 if we're hiring our engineer, when we hired him, when

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                  et al.,                               \*  
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   \*       Case No. 3:22-cv-00057  
7                   GALVESTON COUNTY, et al.,       \*  
   \*  
                  Defendants.                           \*

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9                   \*\*\*\*\*  
10                  REPORTER'S CERTIFICATION  
                  DEPOSITION OF JOSEPH GIUSTI  
11   JANUARY 6, 2023  
                  \*\*\*\*\*

12  
13                  I, Marsha Yarberry, Certified Shorthand  
14                  Reporter in and for the State of Texas, hereby certify  
15                  to the following:

16                  That the witness, JOSEPH GIUSTI, was duly  
17                  sworn by the officer and that the transcript of the  
18                  oral deposition is a true record of the testimony given  
19                  by the witness.

20                  I further certify that pursuant to FRCP  
21                  Rule 30(f)(1) that the signature of the deponent:  
22                  \_\_\_\_\_ was requested by the deponent or a  
23                  party before the completion of the deposition and is to  
24                  be returned within 30 days from date of receipt of the  
25                  transcript. If returned, the attached Changes and

1 Signature pages contain any changes and the reasons  
2 therefor;

3 \_\_\_xx\_\_\_ was not requested by the deponent or a  
4 party before the completion of the deposition.

5 I further certify that the amount of time used  
6 by each party at the deposition is as follows:

7 Mr. Bruce Gear - 4 hours, 44 minutes

8 Ms. Valencia Richardson - 39 minutes

9 Mr. Andrew Silberstein - 1 hour, 35 minutes.

10 I further certify that I am neither counsel  
11 for, related to, nor employed by any of the parties or  
12 attorneys in the action in which this proceeding was  
13 taken. Further, I am not a relative or employee of any  
14 attorney of record, nor am I financially or otherwise  
15 interested in the outcome of the action.

16 Subscribed and sworn to on this the 26th day  
17 of January, 2023.

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20

MARSHA YARBERRY, TEXAS CSR

21 Expiration Date: 07/31/24

Veritext Legal Solutions

22 Firm Registration No. 571

300 Throckmorton, Suite 1600

23 Fort Worth, Texas 76102

800-336-4000